



BILL NO. B-70

ORDINANCE BILL NO. 2008-67

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA  
ADDING SECTION 10-620 TO THE FRESNO MUNICIPAL  
CODE, RELATING TO REGISTRATION OF VACANT  
FORECLOSED PROPERTIES

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 10-620 of the Fresno Municipal Code is added to read as follows:

SECTION 10-620. REGISTRATION OF VACANT FORECLOSED  
PROPERTIES

(a) Intent and Purpose. The Council of the City of Fresno hereby finds and declares that the current housing foreclosure crisis facing Fresno is widespread and national in scope. It is the purpose and intent of the Council of the City of Fresno, through the adoption of this ordinance, to establish a vacant foreclosed property registration program as a mechanism to protect residential neighborhoods from becoming blighted through the lack of adequate maintenance and security of vacant foreclosed properties.

(b) Scope of Chapter. This Chapter shall apply to all vacant properties in the City of Fresno that have come within ownership or control of a trustee or beneficiary as a result of the default of the borrower and/or the foreclosure process. This chapter shall also apply to properties where the deed of trust was transferred to the beneficiary of a deed of trust involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.

(c) Registration of Property. Any trustee or beneficiary holding a deed of trust on a property located within the City of Fresno shall inspect the

Adopted 12/2/08  
Approved 12/15/08  
Effective 1/15/09



property that is the security for the deed of trust, upon default by the trustor, prior to recording notice of default with the Fresno County Recorder. If the property is found to be vacant, it is deemed to fall within the provisions of this chapter and shall be registered with the Planning Director or the Planning Director's designee within ten (10) days of inspection. If the property is occupied at the time of inspection, it shall be inspected on a monthly basis until (a) the default is remedied by the trustor or other party or (b) the property is found to be vacant, at which time it shall be registered within ten (10) days.

(d) Registration Fee. No fee shall be charged for the registration of property.

(e) Registration Process. Registration shall be made in writing to the Planning Director or the Planning Director's designee. The trustee or beneficiary shall provide the following information to the Planning Director or the Planning Director's designee:

(1) Name, address, and telephone number of the trustee and/or beneficiary,

(2) Address and assessor's parcel number of the vacant property,

(3) Name, address, and telephone number of the property maintenance company responsible for the property, if applicable,

(4) Name, address, and telephone number of all known lien holders and/or individuals with ownership interest or other legal interest in the property,



(5) If no trustee or beneficiary resides within the County of Fresno, the name, address, and phone number of a party residing within the County of Fresno who shall be designated as the local responsible party or agent for the purposes of notification in the event of an emergency affecting the public health, safety, or welfare and for purposes of service of process or any notices associated with registration of the property.

(6) Provide express authorization for City Employees to enter the property for the purpose of ensuring compliance with this chapter. The primary purpose of this authorization is to provide consent for City Employees to access the exterior of the property to inspect and/or abate. City Employees will not enter the interior of the structure unless the health, safety and/or welfare of the public is at risk.

(f) Duration of Registration. Registration of a property shall be valid for one (1) year from the date of registering with the Planning Director or the Planning Director's designee. The trustee and/or beneficiary shall renew the registration of the property annually prior to the expiration of the current registration.

(g) Maintenance Requirements. Properties registered pursuant to this chapter shall be maintained according to the following standards:

(1) Landscaping. Maintain all yards and landscaping by watering, cutting, pruning, and mowing all lawns and vegetation. Yards and lawns shall be kept free of weeds.





(2) Trash and Debris. The property shall be kept free of trash and debris. Trash and debris shall be removed from the property within seven (7) days of placement on the property.

(3) Graffiti. The property shall be kept free of graffiti. Graffiti shall be removed from the property within 48 hours of placement on the property.

(4) Swimming Pools. Any swimming pool or spa shall be properly maintained and kept in working order so the water remains clear, free of pollutants and debris, and does not become a breeding place for mosquitoes and other insects. Any pool or spa not maintained in this manner shall be drained and kept dry. Properties with pools or spas shall comply with the minimum security fencing requirements of the State of California.

(5) Security. The property shall be secured against unauthorized entry. This includes, but is not limited to, locking all doors, windows, and gates that would allow access to the interior of the structure or onto the lot where the property is located. Boarding of doors and windows will be allowed only if they may not be secured by other means.

(6) Posting. The property shall be posted with a sign indicating the name and a 24-hour telephone number for the trustee/beneficiary or property management company responsible for maintenance and security of the property. The sign shall read substantially as follows: "This property is managed by [ ]. To report problems



or concerns call [        ].” The sign shall be visible from the street and located at the front of the property. The sign shall be placed on the interior of a window, affixed to the exterior of the structure, or on a stake placed in the front yard. Exterior posting shall be constructed on and printed with weather resistant material.

(h) Enforcement. Notwithstanding any other remedies available by law, failure to comply with the provisions of this chapter may result in the following enforcement action:

(1) Notice of Violation. The Planning Director or the Planning Director’s designee may issue a Notice of Violation according to the provisions set forth in Municipal Code section 10-607;

(2) Notice and Order. The Planning Director or the Planning Director’s designee may issue a Notice and Order according to the provisions set forth in Municipal Code section 10-608;

(3) Administrative Citation. The Planning Director or the Planning Director’s designee may issue an Administrative Citation according to the provisions set forth in Municipal Code section 1-308. The amount of administrative penalties for failure to comply with the provisions of this section shall be as follows: First violation, up to One Thousand Dollars (\$1,000), plus any abatement, actual, administrative and enforcement costs and administrative expenses incurred; On a second violation of this article within a rolling 12 month period, up to Ten Thousand Dollars (\$10,000), plus any abatement, actual, administrative



and enforcement costs and administrative expenses incurred; On a third or subsequent violation of this article within a rolling 12 month period, up to Fifty Thousand Dollars (\$50,000), plus any abatement, actual, administrative and enforcement costs and administrative expenses incurred.

(4) The Director may request the City Attorney to institute legal action.

(i) Appeals. A Notice and Order or Administrative Citation issued for failure to comply with the provisions of this chapter shall be appealed pursuant to the provisions of Municipal Code section 1-407.

SECTION 2. Severability. If any section or portion of this ordinance shall be determined invalid or unconstitutional, that section or portion shall be deemed severable and all remaining sections or portions shall remain in full force and effect.

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December 2, 2008

NO RETURN

Council Adoption: 12/2/08  
Mayor Approval:  
Mayor Veto:  
Override Request:

TO: MAYOR ALAN AUTRY  
FROM: REBECCA E. KLISCH, CMC  
City Clerk

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 12/2/08, Council adopted the attached Ordinance No. 2008-67 entitled **Adding Section 10-620 to FMC relating to registration of vacant foreclosed properties**, Item No. 1L, by the following vote:

Ayes	:	Calhoun, Caprioglio, Dages, Duncan, Perea, Sterling, Xiong
Noes	:	None
Absent	:	None
Abstain	:	None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before December 15, 2008. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10<sup>th</sup> day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

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**APPROVED:**

**VETOED** for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

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\_\_\_\_\_  
Alan Autry, Mayor

Date: \_\_\_\_\_

**COUNCIL OVERRIDE ACTION:**

Date: \_\_\_\_\_

Ayes	:
Noes	:
Absent	:
Abstain	: